

LABOUR DEPARTMENT

The 12th August, 1980

No. 11(112)-80-3Lab/9641.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. The Panipat Co-operative Sugar Mills Limited, Panipat :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 349 of 1980

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between

THE WORKMEN AND THE MANAGEMENT OF M/S. THE PANIPAT COOPERATIVE SUGAR MILLS LIMITED, PANIPAT

Present :—Shri Gian Chand, for the workmen.

Shri R. S. Malik, for the management.

AWARD

By order No. KNL 75/56869, dated 17th December, 1979, the Governor of Haryana referred the following dispute between the management of M/s. The Panipat Cooperative Sugar Mills Limited, Panipat and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the masiceration man should be given grade of semi-skilled according to the second Sugar wage Board ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the order of reference was put in issue on 19th February, 1980 and the case was fixed for the evidence of the workmen. The workmen examined Shri Bhag Mal as WW-1 and closed their case. Then the case was fixed for the evidence of the management. The management examined Shri Dharam Singh, Manufacturing Chemist as MW-1 and closed their case. Then the case was fixed for arguments. Arguments were heard. I now give my finding issuewise:—

Issue No. 1.—Brief facts are that Shri Prem Chand, Hukam Chand, Bhag Mal and Data Ram are performing the duties as Masiceration Attendants since 1969 in unskilled grade. They claim semi-skilled grade according to second Sugar Wage Board. The management according to the written statement had put these workmen under the category of Masiceration Cooly in terms of the Wage Board in unskilled category. In the evidence the workmen examined Shri Bhag Mal as their witness who stated that he was working as a Masiceration-man for the last 10-11 years in the factory alongwith the workmen named above. He stated that they recorded temperature and number of tanks emptied during their duty. In cross-examination he stated that he was a non-metric whereas Shri Prem Chand and Data Ram were middle pass. Shri Hukam Chand was 5th pass. There was no duty of weighing assigned to them. Their duty was only to record number of tanks filled and emptied during duty hours. The tanks are filled by opening of valves by them. He stated that he was not a technical hand, nor he took training anywhere to do his job. The management examined Shri Dharam Singh who stated that the workmen were working as Masiceration Cooly under him. They were to mark in water account sheet sample Exhibit M-1 as 1+1 etc. in the column of the sheet. Their duty is not for weighment, nor any such scales have been provided. Temperature is recorded in the column meant for it by the Cooly who know writing, for others it is filled by the Laboratory boys. No training or skill was required for the job. Any layman could perform duty. In cross-examination he stated that Shri Hukam Chand was illiterate. He could not write figure. My attention was drawn to the extract from second Central Wage Board for the Sugar Industry wherein Masiceration Attendant is shown as semi-skilled and duties assigned are weighing or measuring or recording masiceration water tank readings and/or noting water tanks readings or counting number of masiceration tanks, and doing works incidental thereto. In the remarks column it is written:—

The previous designation viz. 'Masiceration Mate', is changed to 'Masiceration Attendant.' Where there is automatic recording and the duties mentioned under 4 are not to be performed, the workman shall be called 'Masiceration Mazdoor' and he shall be placed in unskilled grade as revised ?

After going through the record and evidence I find that the workmen are not assigned duties of, weighing or measuring etc. As regard the noting there is hardly any figure work. There is no qualification or training

attached to the posts. Therefore, I decide this issue in favour of the management. The Maseration man is not entitled to the semi-skilled grade according to the second Sugar Wage Board.

Dated the 4th August, 1980

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endorsement No. 721, dated the 6th August, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-80-3 Lab./9642.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Fritz and Singh Ltd, Mathura Road, Faridabad :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 50 of 1978

between

SHRI BHARAT BHUSHAN DHALL, WORKMAN AND THE MANAGEMENT OF M/S. FRITZ AND
SINGH LTD., MATHURA ROAD, FARIDABAD.

Present:—Shri Kishori Lal, for the workman.
Shri D.C. Bhardwaj, for the management.

AWARD

1. By order No. ID/8029, dated 20th February, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Fritz and Singh Ltd., Mathura Road, Faridabad and its workman Shri Bharat Bushan Dhall, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.—

Whether the termination of services of Shri Bharat Bhushan Dhall was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 26th June, 1978 and the case was fixed for the evidence of the management. The management examined Shri B.S. Bhagat their Commercial Manager as MW-1 and Shri Dhanvir Goyal, Sales Tax Assistant as MW-2 and closed his case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. At this stage a settlement was arrived at between the parties. According to the settlement the workman received a sum of Rs. 2726.70 before this Tribunal including his right of reinstatement and reemployment, bonus, due wages, leave wages and gratuity, etc. whatsoever if any.

In view of the settlement, I give my award that the workman has received a sum of Rs. 2726.70 in full and final settlement including his right of re-instatement and reemployment, bonus, dues, wages, leave wages and gratuity etc. whatsoever, if any. The workman is not entitled to any relief.

M. C. BHARDWAJ,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.

Dated 1st August, 1980.

No. 726, dated 6th August, 1980.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer, Industrial Tribunal,
Haryana, Faridabad.